

**HOPEWELL TOWNSHIP
YORK COUNTY PA
PLANNING COMMISSION
MINUTES FOR DECEMBER 19, 2023
MEETING ROOM & STREAMING VIA ZOOM
7:00 PM**

Chairman Ann Yost called the December 19, 2023, meeting to order at 7:00pm. Also in attendance was Tom Malkie, Chuck Webster, Manager Katie Berry, Zoning Officer Cliff Tinsley and Attorney Dillinger.

Approval of Minutes:

Chairman Yost called for a motion to approve the November 21, 2023, Planning Committee meeting minutes. Chuck Webster motioned to approve, and Ann Yost seconded. Motion carried.

2024 Meeting Dates – Yost motioned to approve the 2024 meeting dates and authorize the Manger to advertise, and Tom Malkie seconded. Motion carried.

23-08- Hamilton- Jake Hamilton was present to discuss why he would like a recommendation for a variance. Jake explained that due to where the well was located when he purchased the property, he would not be able to comply.

There are five criteria that the Zoning Hearing Board will consider, as applicable, when determining whether a variance to the Township Zoning Ordinance is necessary. These five criteria are in section 910.2.a. of the Pennsylvania Municipal Planning Code. Yost reviewed the standards that must be met for a variance to be issued: The criteria are as follows:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
3. Such unnecessary hardship has not been created by the applicant.
4. The variance, if authorized, will not alter the essential character of the district or neighborhood in which the property is located, nor substantially or permanently

impair the appropriate use or development of adjacent property, not be detrimental to the public welfare.

5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.

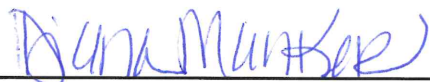
Yost did not feel that Mr. Hamilton met the first three tests. She then asked the other board members their thoughts. Malkie agreed with her and added that this is difficult to approve. If approved for one then would have to be approve for others.

Attorney Dillinger commented that the township is opposing the variance as the applicant was denied a zoning permit and was given some alternatives. Zoning Officer Cliff Tinsley gave a history of the property and explained why submitting a permit application would alleviate ending up in this situation.

At this time Yost motioned to recommend denying the request for variance. Malkie seconded. Motion carried.

Cliff also mentioned to Mr. Hamilton that he is still scheduled for a zoning hearing. The Zoning Board will receive the Planning Commission's recommendation from tonight but ultimately, the ZHB makes the decision.

Malkie motioned to adjourn, and Webster seconded. Motion carried. Meeting adjourned at 7:15pm



Diana Manker, Recording Secretary